
Court Mandated Meeting & Clarification Regarding Options Chosen during Filing of Claims by the Homebuyers.

2 messages

RGLUX -Association Team <rgluxury.association@gmail.com>
To: rgi.cirp@gmail.com

Mon, Dec 23, 2019 at 9:34 PM

Dear Sir,

We have already verbally clarified the following to you on December 17, 2019 and once again put forth the same to you once again as a gentle reminder:

1. Buyers had chosen option of " possession" or " Refund" while filing their claims during in Form CA, voluntarily. However that option was chosen for the purpose of and in the background of CIRP process only. That option has nothing to do with the offer of the builder/ Mr. Rajesh Goyal, which was made only recently, on December 11, 2019. The said options were chosen much before builder's said offer of December 11, 2019. And hence have no relation with the said offer of the builder, Mr. Rajesh Goyal.
2. Offer from the builder, Mr. Rajesh Goyal, was made on December 11,2019. As per Para 7 of his affidavit dated December 16,2019, email dated December 11, 2019 were sent to 1400 allottees for seeking their consent. Copies of the said affidavit dated December 16, 2019 and Letter to allottees date December 11, 2019 are attached herewith for your ready reference.
3. The homebuyers have replied to the above said email dated December 11, 2019. Several homebuyers, to our knowledge, have also marked you in such replies to the builder. Thus you already have knowledge of the 'will' of such home buyers with you. The remaining "will " or details of replies of homebuyers may kindly be obtained by you from the builder, Mr. Rajesh Goyal pursuant to the the order of hon'ble NCLAT. We humbly request you that once you fix a date of meeting or voting of remaining homebuyers based on above information, the same be kindly communicated to us as per said order of hon'ble NCLAT.
4. Further, we rely on the first para of the order dated 17.12.2019 of the hon'ble NCLAT for our above interpretation. The said para reads as under :

*'Interim Resolution Professional' is directed to call for a **meeting of the allottees** within a week, **who have not opted any option**, if necessary **by e-voting**, to take their opinion as to whether they want refund of the amount or the premises within a reasonable time. **All those who have already opted for, their details be forwarded to the Interim Resolution Professional**, if not available with the 'Interim Resolution Professional'.*

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Warm Regards

For RG Luxury Homebuyers Association

CS Sundeep K Parashar, President

Mohit Shukla, Gen. Secretary

Rahul Chohan, Secretary

Habib Ul Rehman, Treasurer

2 attachments

 **16.12.2019 Affidavit filed by RG 16122019.pdf**
2652K

 **Letter to allottees 11th December 2019.pdf**
4273K

IRP of Rajesh Projects <rgi.cirp@gmail.com>
To: RGLUX -Association Team <rgluxury.association@gmail.com>

Sat, Dec 28, 2019 at 5:26 PM

Dear Sir(s),

This is in reference to your mail dated 23.12.2019 wherein you have requested us to call for meeting of remaining buyers instead of 167 buyers, in this regard it is submitted that the order dated 17.12.2019 passed by Hon'ble NCLAT is quite clear and unambiguous and interpreted by us in the following manner:

1. IRP was directed to call for the meeting of buyers who has not opted for any preference to know their wishes;
2. IRP was directed to collect the consent from the appellant/promoter of the Corporate Debtor;
3. IRP was directed to file detailed reply on the basis of the outcome of the meeting and the consents provided by the promoter and
4. The Representatives of the Home Buyer association and ex-management were also allowed to remain present in the meeting to facilitate the settlement.

I write to inform you that to maintain the check and balances, the IRP has opted to know the wishes of the buyers through e-voting only not through ballot voting or show of hands which is in spirit to maintain the transparency, integrity and sanctity of the outcome of the meeting. Further to increase the participation of the buyers the IRP has decided to keep voting window open aggregate of 60 hrs (approx, pre and post meeting). Further the venue of the meeting is fixed at Noida which is closer to project site.

Further, your request e-voting by the remaining buyers instead of 167 buyers cannot be accepted by the IRP simply because the order dated 17.12.2019 passed by Hon'ble NCLAT is quite clear and unambiguous and direction is given to call the meeting of buyers within the category of "SILENT".

Furthermore, since matter is sub-judice before Hon'ble NCLAT, IRP has no decision-making powers which is the spirit and intent of the code. The meeting is being done to comply the directions given by Hon'ble NCLAT vide order dated 17.12.2019. It is further stated that in case Hon'ble NCLAT directs us further, the order shall be binding on your IRP and IRP is bound to comply the same.

It is further stated that to maintain the transparency of the meeting, the IRP has decided to give you 30 minutes opportunity to address the participants.

Furthermore, needless to mention that your IRP will file the report before Hon'ble NCLAT on the basis of consents given by the promoter/appellant and outcome of the meeting. The IRP will clarify and distinguish in his report the preferences of buyer pursuant to the FAQs issued by the IRP and proposal given by the promoter/appellant.

In compliance of the direction given by the Hon'ble NCLAT, I hereby request you to please nominate 2 (two) representatives from your association who shall remain present in the meeting and address the buyers/participants.

Further, the details of meeting such as notice and agenda to the meeting shall be shared to you within due course.

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Warm Regards

Office of Interim Resolution Professional of
M/s. Rajesh Projects (India) Private Limited
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409
Address: D-32, East of Kailash, New Delhi - 110065
(L) 011 4905 0107

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[Quoted text hidden]

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Warm Regards

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